

LEACHCO, INC.
MOTION FOR INJUNCTION PENDING APPEAL
AND BRIEF IN SUPPORT

Exhibit 4

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

LEACHCO, INC.,

Plaintiff,

v.

CONSUMER PRODUCT SAFETY
COMMISSION, *et al.*,

Defendants,

Case No. CIV-22-232-RAW

ORDER

On November 29, 2022, finding that Leachco failed to show it is likely to suffer irreparable harm in the absence of a preliminary injunction, this court entered an Order denying Leachco’s motion for preliminary injunction. Leachco filed a notice of appeal on December 5, 2022 and a motion for injunction pending appeal on December 6, 2022.

Now before the court is the Commission’s motion to stay litigation or, in the alternative, to extend the Rule 12 response deadline [Docket No. 54] and Leachco’s response in opposition thereto [Docket No. 56]. In opposition to the Commission’s motion, Leachco argues that the court should *both* stay these proceedings *and* enjoin the Commission’s administrative action pending appeal, or in the alternative, expedite these proceedings. The court “has broad discretion to stay proceedings as an incident to its power to control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706 (1997) (citing *Landis v. North American Co.*, 299 U.S. 248, 254 (1936)). Of course, the court considers potential prejudice to the non-moving party and “the economy of time and effort for itself, for counsel, and for litigants.” *Landis*, 299 U.S. at 254.

As the court has previously found, Leachco has failed to show it is likely to suffer irreparable harm in the absence of a preliminary injunction preventing the Commission from proceeding with the administrative action against Leachco. Moreover, as the Commission argues, Leachco's appeal may implicate the same issues that will be addressed here in future proceedings, and a stay would avoid potentially duplicative briefing and conserve the resources of both the parties and the court.

Accordingly, the Commission's motion to stay [Docket No. 54] is hereby granted. This action is hereby stayed pending appeal. Leachco's motion for injunction pending appeal [Docket No. 53] is hereby denied.

IT IS SO ORDERED this 8th day of December, 2022.



**THE HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA**